

EXHIBIT C

Deposition of
Jason W. Beaman, D.O., M.S., M.P.H., FAPA
September 30, 2021

Dillard

vs.

City of Springdale



Jason W. Beaman, D.O., M.S., M.P.H., FAPA

Dillard vs.
City of Springdale

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF ARKANSAS
3 FAYETTEVILLE DIVISION
4 JILL DILLARD, JESSA SEEWALD, JINGER) Case No.
5 VUOLO, and JOY DUGGAR) 5:17-CV-05089-TLB
6 Plaintiffs,)
7 vs.)
8 CITY OF SPRINGDALE; WASHINGTON COUNTY;)
9 KATHY O'KELLEY; ERNEST CATE; RICK HOYT;)
10 STEVE ZEGA; BAUER PUBLISHING COMPANY,)
11 L.P.; BAUER MAGAZINE, L.P.; BAUER MEDIA)
12 GROUP, INC.; BAUER, INC; HEINRICH BAUER)
13 NORTH AMERICA, INC; BAUER MEDIA GROUP)
14 USA, LLC; and DOES 1-10, inclusive,)
15 Defendants.)
16 _____
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DEPOSITION OF JASON W. BEAMAN, D.O., M.S., M.P.H., FAPA

via Zoom videoteleconference

Thursday, September 30, 2021

REPORTED BY: Derek L. Hoagland

CSR No. 13445

Job No. 10089281

Jason W. Beaman, D.O., M.S., M.P.H., FAPA

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15 Deposition of JASON W. BEAMAN, D.O., M.S., M.P.H., FAPA,
16 taken before Derek L. Hoagland, a Certified Shorthand
17 Reporter for the State of California, commencing at
18 9:09 a.m., Thursday, September 30, 2021, via Zoom
19 videoteleconference.

Jason W. Beaman, D.O., M.S., M.P.H., FAPA

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1 did in this case involved what's called a record review?

2 A. I think that's fair.

3 Q. **What is a record review?**

4 A. Well, as it relates to this case, I would say
5 that I formed my opinion by relying on records and not
6 through evaluating the plaintiffs.

7 Q. **Does an assessment based on a record review
8 contain any limitations, as opposed to an assessment --
9 withdrawn.**

10 Is it true that an assessment based on a record
11 review has significant limitations in arriving to
12 opinions supported by evidence that reaches the level of
13 medical or scientific certainty that is the standard for
14 a forensic examinations?

15 A. I'm sorry. You're going to have to repeat that.

16 Q. Sure. Well, does the fact that your opinion is
17 based on a record review rather than your own
18 examination and interview of the plaintiffs and tests
19 that you had conducted in connection with plaintiffs,
20 does that present any limitations in your ability to
21 give an opinion in this case?

22 A. Well, it would depend on the opinions that I
23 would be asked to give. So (inaudible) specific
24 opinion, I could tell you whether or not my not doing an
25 evaluation would limit that opinion.

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1 Q. Anywhere in your expert report that you identify
2 any limitations that -- on your opinion based on the
3 fact that you did not conduct interviews or perform any
4 testing in connection with the plaintiffs?

5 A. No.

6 Q. Do you believe that your opinions would be
7 assisted or -- withdrawn.

8 Do you believe that your ability to provide
9 opinions in this case would be assisted if you were able
10 to interview the plaintiffs yourself and perform your
11 own testing?

12 A. The -- you're asking about the opinions that I
13 listed in regards to Dr. Wynne's evaluation?

14 Q. I'm talking about your ability to assess the
15 plaintiffs?

16 A. But I did not assess the plaintiffs.

17 Q. Okay. So is it fair to say in this case, you
18 did not perform any sort of independent assessment of
19 plaintiffs, you just were retained to critique the work
20 that Dr. Wynne had done?

21 A. To assess procedures, methods, evaluation, and
22 opinion of Dr. Wynne.

23 Q. So you were retained to critique Dr. Wynne, not
24 to perform your own evaluation, correct?

25 A. I was not retained to evaluate the plaintiffs.

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1 Q. Okay. Are any of the plaintiffs in this case
2 suffering any sort of emotional trauma as a result of
3 the fact that the details of their sexual abuse were
4 published in the national media?

5 A. Well, I think you would have to define emotional
6 trauma. And I would say that Dr. Wynne's opinion in his
7 assessment was that they were suffering from emotional
8 trauma.

9 Q. Okay. But what's your definition of emotional
10 trauma?

11 A. So trauma is a -- I think, a big word. There
12 are different reactions that individuals have to a
13 situation, and it can be from momentary anxiety to
14 stress. And then when you say "trauma," it's speaking
15 to a person's reaction to a specific situation. So
16 emotional trauma, emotions are feelings, and so trauma,
17 that causes a change in your feelings.

18 Q. Let me ask you this.

19 Have you formed an opinion one way or another
20 whether any of the plaintiffs in this case have suffered
21 emotional distress as a result of the release of the
22 details of their sexual molestation by their brother to
23 the national media?

24 A. I have formed an opinion that that evidence does
25 or does not exist in Dr. Wynne's evaluation.

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1 Q. And that's not my question. My question to you
2 is: Have you formed an opinion one way or another
3 whether the plaintiffs in this case have suffered
4 emotional distress as a result of the release of the
5 details of their sexual molestation by their brother to
6 the national media?

7 A. Again, "emotional distress" is kind of a vague
8 word. If you want to tell me what your definition of
9 emotional distress is, I will tell you whether or not I
10 believe they have it.

11 Q. Okay. What's your definition of emotional
12 distress?

13 A. So emotion, again, being feelings, distress
14 being a sense of being uncomfortable.

15 Q. Okay. Using your definition of emotional
16 distress, have you formed an opinion whether the
17 plaintiffs in this case have suffered emotional distress
18 as a result of the release of the details of their
19 sexual molestation by their brother to the national
20 media?

21 A. I believe by their reports to Dr. Wynne that the
22 plaintiffs were uncomfortable and had a change in their
23 feelings when -- which is my definition of emotional
24 distress, so -- when the sexual abuse perpetrated on
25 them by their brother was disclosed to the media.

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1 Q. What's your definition of emotional trauma?

2 A. It would be similar to emotional distress,
3 distress being uncomfortable, but trauma being permanent
4 or semipermanent damage.

5 Q. Have you formed an opinion whether any of the
6 plaintiffs in this case have suffered emotional trauma
7 as a result of the release of the details of their
8 sexual molestation by their brother to the national
9 media and to the public?

10 A. By my definition of trauma, using a, you know,
11 prolonged damage, my opinion would be that they did not.

12 Q. By the way, do you have any daughters?

13 A. I do.

14 Q. How many?

15 MS. OWENS: Object to form.

16 THE DEPONENT: Yeah, I don't know that I feel
17 comfortable talking about my family, and it's definitely
18 not related to my expert opinion.

19 BY MR. BLEDSOE:

20 Q. I just want to see -- I want to see what your
21 life experience is.

22 You're married, right?

23 A. Again, I don't know that my marital status
24 really has anything to do with my expert opinion.

25 Q. Are you married?

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challenges. She continued to be harassed and haunted by social media, and she characterized herself as vigilant, emotionally on edge, and angry.

4 Q. Anything else?

5 A. Not that I can recall.

6 Q. What is the current -- there was a beep, so I'll
7 start over. Withdrawn.

8

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A horizontal bar chart illustrating the percentage of respondents who have heard of different topics. The y-axis lists 15 topics, and the x-axis represents the percentage from 0% to 100%. Most topics show high awareness, with percentages ranging from 80% to 100%, except for 'GMOs' at 60% and 'Organic food' at 50%.

Topic	Percentage Heard Of
Organic food	50%
GMOs	60%
Food additives	70%
Natural remedies	75%
Food labels	78%
Food packaging	80%
Food safety	82%
Food allergies	85%
Food additives	88%
Food labeling laws	90%
Food packaging regulations	92%
Food safety standards	95%
Food allergies and sensitivities	98%
Natural remedies for health	98%
Food additives and their effects	99%
Food labeling and its importance	100%

23 Q. Anything else?

24 A. Not that I can recall.

25

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[REDACTED]

17 Q. Okay. Now, going back to page 8 of Exhibit 34,
18 under No. 2, it goes on to read:

19 "Dr. Wynne agreed that she over-reported. He
20 just believed that she did it as a cry for help."

21 Do you see that?

22 A. Yes.

23 Q. So No. 2, because it's not up, but I remember
24 seeing that -- oh, it's still on the screen. Can you
25 see it on the screen?

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1 that be being exposed to sexual violence?

2 A. It would be -- I'm sorry.

3 Can you repeat your question?

4 Q. **Sure. If someone re-experiences sexual**
5 **violence, is that tantamount to experiencing sexual**
6 **violence?**

7 A. Well, they experience the sexual violence to
8 begin with, so it would be an extenuation of the sexual
9 violence that they initially had.

10 Q. **How traumatic is re-experiencing sexual**
11 **violence?**

12 A. That certainly depends on the individual and the
13 circumstances regarding that assault.

14 Q. **The criteria in Section A says:**
15 **"Exposure to actual or threatened," and it goes**
16 **on to say, "sexual violence."**

17 Do you see that?

18 A. I do.

19 Q. **How would you compare re-experiencing sexual**
20 **violence to exposure to actual or threatened sexual**
21 **violence?**

22 A. I would find it to be an extenuation of the
23 sexual violence.

24 Q. **What do you mean when you say an extenuation of**
25 **the sexual violence?**

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1 A. That someone is sexually assaulted and there's
2 trauma associated with that, and if they reexperience
3 that through reminders or something like that, it is an
4 extenuation of the sexual violence that they had. It's
5 a -- it's part of that initial sexual assault.

6 Q. What is the definition of sexual trauma, if you
7 know? And, frankly, we can put it up on the screen. I
8 don't mean to -- this doesn't need to be a memory
9 contest. I don't want to be unfair. Let's do that.
10 Let me withdraw the question.

11 We are going to put something up on the screen,
12 an exhibit. Hang on. It's going to take me a minute to
13 find my copy of this exhibit.

14 All right. I will represent to you that we have
15 put up the definition of sexual trauma as found in the
16 American Psychological Association Dictionary of
17 Psychology.

18 Do you see that?

19 A. I do.

20 Q. Do you know what the American Psychological
21 Association Dictionary of Psychology is?

22 A. No.

23 Q. Okay. Well, we'll go forward anyways.

24 Do you see in the American Psychological
25 Association Dictionary of Psychology that the definition

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REPORTER'S CERTIFICATE

2

STATE OF CALIFORNIA) ss.

3

I, DEREK L. HOAGLAND, CSR #13445, State of California,

4

do hereby certify:

5

That prior to being examined, the witness named in the foregoing proceeding was by me sworn to testify to the truth, the whole truth and nothing but the truth;

8

That said proceeding was taken down by me by stenotype at the time and place therein stated and thereafter transcribed under my direction into computerized transcription.

12

I further certify that I am not of counsel nor attorney for nor related to the parties hereto, nor am I in any way interested in the outcome of this action.

15

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

19

In compliance with section 8016 of the Business and Professions Code, I certify under penalty of perjury that I am a certified shorthand reporter with license number 13445 in full force and effect.

23

Witness my hand this October 15, 2021.

24



25

DEREK L. HOAGLAND, CSR #13445